

IN THE IOWA DISTRICT COURT FOR THE SEVENTH JUDICIAL DISTRICT

IN RE PROCEDURES TO USE
IN SCOTT COUNTY TO OBTAIN
DNA SAMPLES IN COMPLIANCE
WITH CHAPTER 81

SUPERVISORY ORDER

No. 2014-08

2014 AUG 13 AM 8:17

CLERK OF DISTRICT COURT
SCOTT COUNTY, IOWA

In 2013 the Legislature passed H.F. 527. As a result, Iowa Code Chapter 81 DNA PROFILING has been amended to require DNA Sampling of persons convicted of virtually all Aggravated Misdemeanors, excepting most Traffic Offenses, occurring after July 1, 2014. Attached is a copy of the Act and the list of the Crimes included and excluded. Also attached are copies of the updated Plea of Guilty and Judgment and Sentence Order, which should now be used in Scott County District and Associate courts for these cases.

In order to assure maximum compliance with Iowa Code Chapter 81, the following procedure will be implemented immediately in Scott County District and Associate courts:

1. All Defendants with potential need for Aggravated Misdemeanor DNA Sampling must appear personally at sentencing with their Attorney (in District and Associate court).
2. The Court will check the box on the updated Judgment and Sentence Order (J&S Order) if DNA Sampling is required. *Use the forms which are dated "7/30/14" at bottom right.*
3. Immediately after sentencing, the Attorney shall bring his or her client and a copy of the Judgment and Sentence Order to the back door of Court Compliance and ring the bell. Court Compliance is next to Courtroom 1 on the first floor.
4. The Attorney shall fill out the name and case number of the case on the form provided by Court Compliance; give Court Compliance a copy of the J&S Order; and turn Defendant over to Court Compliance.
5. Court Compliance will process the Defendant to determine if DNA needs to be taken or if Defendant is already in the Iowa Database.

6. If Defendant is incarcerated, the Attorney must still bring a copy of the J&S Order to Court Compliance and fill out the form.

a. Court Compliance shall send a copy of the J&S Order to the Jail. The Jail will determine if the Defendant is already in the Iowa Database and if not, perform the DNA sampling.

b. The Jail will hold Defendant until they receive a copy of the J&S Order from Court Compliance and determine need for DNA Sampling.


This system should be more convenient for Defendants and hopefully, prevent contempt actions in the future for noncompliance by Defendants. No appointments with Court Compliance are required.

The Scott County Clerk of Court shall provide a copy of this Order to Kathy Gaylord, District Court Administrator. The District Court Administrator shall send a copy of this Order to the Scott County Bar Association for distribution to their membership and ask the Scott County Bar Association to post a copy on their website. The District Court Administrator shall also post a copy on the Judicial Branch website.

The original of this order shall be filed in the Scott County Clerk's office.

All of the above is SO ORDERED.

Dated: August 12, 2014.



Marlita A. Greve, Chief Judge
7th Judicial District of Iowa

CHAPTER 81

DNA SAMPLES FROM AGGRAVATED MISDEMEANANTS

H.F. 527

AN ACT requiring certain aggravated misdemeanants to submit a DNA sample and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 81.1, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 01. "Aggravated misdemeanor" means an offense classified as an aggravated misdemeanor committed by a person eighteen years of age or older on or after the effective date of this Act, other than any of the following offenses:

- a. A violation of chapter 321.
- b. A second offense violation of section 321J.2, unless the person has more than one previous revocation as determined pursuant to section 321J.2, subsection 8, within the twelve-year period immediately preceding the commission of the offense in question.
- c. A violation of chapter 716B.
- d. A violation of chapter 717A.
- e. A violation of section 725.7.

Sec. 2. Section 81.2, subsection 1, Code 2013, is amended to read as follows:

1. A person who receives a deferred judgment for a felony or against whom a judgment or conviction for a felony or aggravated misdemeanor has been entered shall be required to submit a DNA sample for DNA profiling pursuant to section 81.4.

Sec. 3. Section 81.10, subsection 1, Code 2013, is amended to read as follows:

1. A defendant who has been convicted of a felony or aggravated misdemeanor and who has not been required to submit a DNA sample for DNA profiling may make a motion to the court for an order to require that DNA analysis be performed on evidence collected in the case for which the person stands convicted.

Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

Sec. 5. EFFECTIVE DATE. This Act takes effect July 1, 2014.

Approved May 15, 2013

Aggravated Misdemeanors Requiring DNA Sample under Iowa Code § 81.1

Iowa Code Section	General Description
29A.44	Assault on member of National Guard.
39A.3	Election misconduct in the 2 nd degree.
81.6	Improper use/alteration or attempted alteration of DNA sample.
88.14	Employer willfully violates regulation, causing employee death, 2 nd offense.
88B.12	State agency/political subdivision accepts bid for asbestos project from business entity without permit, 2 nd offense.
96.16	Improperly receiving unemployment compensation/benefits as employer or employee; making false statement or failing to disclose a material fact to obtain any benefit. (<i>fraudulent practice</i>)
99D.8A	Knowingly making false statement on application to conduct races.
99D.24	Holding race or race meeting where pari-mutuel wagering is used without a license; where wagering is permitted other than that specified by §99D.11; or committing any other corrupt or fraudulent practice as defined by the commission which may affect race results.
99F.6	Knowingly making false statement on gambling boat application.
99F.15	Operating gambling excursion where wagering is used without a license, or wagering is permitted other than as specified by §99F.9; acting or employing a person to act as a decoy to encourage participation in gambling.

101.26	Knowingly fails to notify or makes false statement, representation or certification in a record or other document filed or required to be kept under this division; or violates an order issued under this division.
123.47	Person of legal age, other than a licensee or permittee, sells, gives, or supplies alcoholic liquor, wine, or beer to a person under legal age in violation of this section which results in serious injury to any person.
123.91	<p>Any person who has been convicted, in a criminal action, in any court of record, of a violation of a provision of this chapter, a provision of the prior laws of this state relating to intoxicating liquors, wine, or beer which was in force prior to the enactment of this chapter, or a provision of the laws of the United States or of any other state relating to intoxicating liquors, wine, or beer, and who is thereafter convicted of a subsequent criminal offense against any provision of this chapter is guilty of the following offenses:</p> <p>For the third and each subsequent conviction, an aggravated misdemeanor.</p>
124.401(1)(d)	Violation of this subsection, which includes to manufacturing, delivering, or possessing with the intent to manufacture or deliver, with respect to any other controlled substances, counterfeit substances, or simulated controlled substances classified in §124.204(4), paragraph "ai", or §124.204(6), paragraph "I", or classified in schedule IV or V. (<i>Involving 50 kilos or less of marijuana or involving flunitrazepam = "D" felony</i>).
124.401(5)	Knowingly or intentionally possessing a controlled substance without a valid prescription, having previously been convicted of violating this chapter, chapter 124(A), 124(B), or 453(B). (<i>Also qualifies if the controlled substance is marijuana, previously convicted 2 or more times of violating this subsection, and the substance was marijuana</i>).
124.402	
124.402(1)(a)	Person subject to division III distributes or dispenses a controlled substance in violation of §124.308.
124.402(1)(b)	Registrant manufactures a controlled substance not authorized by the registration, or distributes or dispenses a controlled substance not authorized by the registration to another registrant/authorized person.

124.402(1)(d)	Refuses entry into any premises during reasonable business hours for any inspection authorized by this chapter.
124.402(1)(e)	Knowingly keeps, permits the keeping, or maintains any premises or place, which is resorted to by persons to use controlled substances, or used for keeping, possessing or selling controlled substances.
124.406 (1)(c)	Manufactures, delivers, or possesses with intent to deliver, an actual controlled substance listed in schedule IV or V to a person under eighteen years of age who is at least three years younger than the violator commits an aggravated misdemeanor.
124A.4	Manufactures, delivers, or possesses with intent to deliver, an imitation controlled substance. <i>(Exception: Person 18 or older delivering imitation controlled substance to person under 18 who is at least 3 years younger than violator = "D" felony).</i>
124B.10	Knowingly makes false statement in connection with any report or record required to be made under this chapter.
126.5(1)	<p>Violation of provision of this chapter, other than violation of §126.3(23), if committed after a conviction under this section has become final. Violations include:</p> <ol style="list-style-type: none"> 1. The introduction or delivery for introduction into commerce of any drug, device, or cosmetic that is adulterated or misbranded. 2. The adulteration or misbranding of any drug, device, or cosmetic in commerce. 3. The receipt in commerce of a drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise. 4. The introduction or delivery for introduction into commerce of a drug, device, or cosmetic in violation of section 126.12. 5. The dissemination of any false advertising. 6. The refusal to permit entry or inspection, or to permit the taking of a sample or to permit access to or copying of any record as authorized by section 126.18; or the failure to establish or maintain any record or make any report required under section 512(j), 512(l), or 512(m) of the federal Act, or the refusal to permit access to or verification or copying of any such required record.

7. The manufacture within this state of a drug, device, or cosmetic that is adulterated or misbranded.
8. The giving of a guaranty or undertaking referred to in section 126.5, subsection 2, if the guaranty or undertaking is false, except by a person who relied upon a guaranty or undertaking to the same effect, signed by, and containing the name and address of, the person residing in this state from whom the person received the drug, device, or cosmetic in good faith.
9. The removal or disposal of a detained or embargoed drug, device, or cosmetic in violation of section 126.6, subsection 1.
10. The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a drug, device, or cosmetic, if the act is done while the article is held for sale, whether or not it would be the first sale, after shipment in commerce; and if the action results in the article being adulterated or misbranded.
11. Forging, counterfeiting, simulating, or falsely representing, or without proper authority using a mark, stamp, tag, label, or other identification device authorized or required by rules or regulations adopted under this chapter or the federal Act.
12. Making, selling, disposing of, or keeping in possession, control, or custody, or concealing a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another trademark, trade name, mark, imprint, or device or a likeness of any trademark, trade name, mark, imprint, or device upon a drug or drug container or the labeling thereof so as to render the drug a counterfeit drug.
13. The doing of an act which causes a drug to be a counterfeit drug, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit drug.
14. The use by a person to the person's own advantage, or the revealing, other than to the board or to the person's authorized representative or to the courts when relevant in a judicial proceeding under this chapter, of any information acquired under authority of this chapter concerning any method or process which as a trade secret is entitled to protection.
15. The use, on the labeling of a drug or device or in advertising relating to a drug or device, of a representation or suggestion that approval of an application with respect to the drug or device is in effect under section 126.12 or section 505, 515, or 520(g) of the federal Act, or that the drug or device complies with the provisions of

any of those sections.

16. The use, in labeling, advertising, or other sales promotion of a reference to a report or analysis furnished in compliance with section 126.18 or section 704 of the federal Act.

17. If a prescription drug is distributed or offered for sale in this state, the failure of the manufacturer, packer, or distributor of the prescription drug to maintain for transmittal, or to transmit, to any practitioner licensed by applicable law to administer the drug who makes written request for information as to the drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved under the federal Act. This subsection does not exempt any person from a labeling requirement imposed by or under this chapter.

18. a. Placing or causing to be placed upon any drug or device or container thereof, with intent to defraud, the trademark, trade name, or other identifying mark or imprint of another trademark, trade name, mark, or imprint or any likeness of such a trademark, trade name, mark, or imprint.

b. Selling, dispensing, disposing of; causing to be sold, dispensed, or disposed of; or concealing or keeping in possession, control, or custody, with intent to sell, dispense, or dispose of, a drug, device, or container thereof, with knowledge that the trademark, trade name, or other identifying mark or imprint of another trademark, trade name, mark, or imprint or any likeness of any trademark, trade name, mark, or imprint has been placed thereon in a manner prohibited by paragraph "a".

c. Making, selling, disposing of; causing to be made, sold, or disposed of; keeping in possession, control, or custody; or concealing with intent to defraud any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another trademark, trade name, mark, or imprint or any likeness of any trademark, trade name, mark, or imprint upon a drug or container or labeling thereof so as to render the drug a counterfeit drug.

19. The failure to register in accordance with section 510 of the federal Act, the failure to provide any information required by section 510(j) or 510(k) of the federal Act, or the failure to provide a notice required by section 510(j)(2) of the federal Act.

20. a. The failure or refusal to:

(1) Comply with a requirement prescribed under section 518 or

126.5(4)	<p>520(g) of the federal Act.</p> <p>(2) Furnish any notification or other material or information required by or under section 519 or 520(g) of the federal Act.</p> <p>b. With respect to any device, the submission of any report required by or under this chapter that is false or misleading in any material respect.</p> <p>21. The movement of a device in violation of an order under section 304(g) of the federal Act or the removal or alteration of any mark or label required by the order to identify the device as detained.</p> <p>22. The failure to provide the notice required by section 412(b) or 412(c) of the federal Act, the failure to make the reports required by section 412(d)(1)(B) of the federal Act, or the failure to meet the requirements prescribed under section 412(d)(2) of the federal Act.</p> <p>Violation of § <u>126.3(23)</u>. Selling, dispensing, or distributing; causing to be sold, dispensed, or distributed; or possessing with intent to sell, dispense, or distribute, an anabolic steroid to a person under eighteen years of age, with knowledge that the anabolic steroid is not necessary for the legitimate treatment of disease pursuant to an order of a physician.</p>
126.23(1)	Unlawfully possesses gamma-hydroxybutyrate (GHB), or any substance containing such.
126.23(2)	Distributes gamma-hydroxybutyrate, or possesses with intent to distribute, if the person intends to promote or allow unlawful use of such or knows the other person will use it for unlawful purposes.
141.A.11	Violates a confidentiality requirement of § <u>141A.5</u> .
142.11	Receives or delivers any human dead body, knowing that any of the provisions of this ch. have been violated.
155A.24(1)(b)	Violates provision of § <u>155A.23</u> , sells, offers for sale, gives away, or administers to another any prescription drug or device that is not a controlled substance in violation of this ch., 2 nd offense.
155A.24(11)	Person who knowingly manufacturers, sells, delivers, or possesses

155A.24(11)(c)	with intent to sell or deliver, a counterfeit, misbranded, or adulterated drug or device is guilty of the following:
155A.24(13)	All other violations of this subsection are <i>aggravated misdemeanors</i> . Violations include counterfeit, misbranded, or adulterated drug or device being sold, delivered, or possessed with intent to sell or deliver less than 100 dosages.
155A.24(13)(a)	Knowingly possesses, purchases, or brings into the state a counterfeit, misbranded, or adulterated drug or device is guilty of the following:
155A.24(13)(b)	Quantity of a counterfeit, misbranded, or adulterated drug or device being possessed, purchased, or brought into the state exceeds 100 units or dosages; or it is a 2 nd or subsequent violation of this subsection = <u>"D" felony</u> . All other violations of this subsection = <i>aggravated misdemeanor</i> .
169A.7	Using a brand for branding livestock that has not been recorded.
189A.17(5)(b)	Willfully makes or causes false entry in any agricultural report required under this chapter, or willfully makes or causes false entry in an account, record, or memorandum kept by a person subject to this chapter, or willfully neglects or fails to make full and true entries in accounts and records, all facts and transactions pertaining to the business of such person, or willfully leaves the jurisdiction of this state, or willfully alters or falsifies any documentary evidence of a person subject to this chapter, or willfully refuses to submit to the secretary or authorized agents, for the purpose of inspection, documentary evidence of a person subject to this chapter in the person's possession.
203.11	Commits any of the following, 2 nd offense: engages in business as a grain dealer without a license; obstructs an inspection of the person's business premises or records required to be kept by a grain dealer; uses a scale ticket or credit-sale contract in violation of this chapter or a requirement established by the dept. under this chapter.
203C.36	Commits any of the following, 2 nd offense: engages in business as a warehouse operator without a license; obstructs inspection of the

	person's business premises or records required to be kept by a licensed warehouse operator; uses a scale ticket, warehouse receipt, or other document in violation of this chapter or requirements established by the dept. under this chapter.
235B.20	Caretaker recklessly commits dependent adult abuse on a person in violation of this chapter that results in physical injury.
252B.10	Willfully requests, obtains, or seeks to obtain paternity determination and support collection data available under <u>§252B.9</u> under false pretenses, or willfully communicates or seeks to communicate such data to any agency or person except in accordance with this chapter.
321G.34	Conviction of a violation of a provision of this chapter while registration privilege is suspended or revoked under administrative procedures, <i>if</i> had 2 or more convictions within the previous 3 years which occurred while suspended or revoked.
321J.2	(OWI – 2 nd Offense) Operates a motor vehicle in any of the following conditions: while under the influence of an alcoholic beverage or other drug or a combination of such substances; while having an alcohol concentration of .08 or more; or while a controlled substance is present in the person, as measured in person's blood or urine. If a person is convicted of an OWI (2 nd Offense) and they have two prior license revocations (<i>whether or not the revocations were the result of convictions</i>) in the past twelve years they are required to give DNA.
328.41	Operates aircraft while in an intoxicated condition or under the influence of narcotic drugs in violation of this section, 2 nd offense.
421A.4	<p>Violates the provisions of this chapter which include:</p> <p>A person who obtains any information in the course of or arising out of the business of preparing or assisting in the preparation of a tax return of another person, shall not disclose any of the information obtained unless the disclosure is within any of the following:</p> <ol style="list-style-type: none"> 1. Consented to in writing by the taxpayer in a separate document. 2. Expressly authorized by state or federal law. 3. Necessary to the preparation of the return.

	4. Pursuant to court order.
423.40	Knowingly sells tangible personal property, tickets or admissions to places of amusement and athletic events, gas, water, electricity, or communication service at retail, or engages in the furnishing of services enumerated in <u>§423.2</u> , in this state after the person's sales tax permit has been revoked and before it has been restored as provided in <u>§423.36(6)</u> . (<i>Note: includes officers of any corporation</i>).
450.53	Willfully attempts in any manner to evade taxes imposed by this chapter or avoid payment of the tax.
453A.38	Prints, engraves, makes, issues, sells, circulates, or possesses with intent to use, sell, circulate, or pass, any counterfeit stamp or used stamp; uses or consents to use of any counterfeit stamp or used stamp in connection with the sale, or offering for sale, of any cigarettes; or places or causes to be placed, on any individual package of cigarettes, any counterfeit or used stamp.
455B.146A	
455B.146A(1)	Knowingly violates a provision of division II of this chapter, any permit, rule, standard, or order issued under division II of this chapter, or any condition or limitation included in a permit issued under division II of this chapter.
455B.146A(2)(a)	Knowingly makes false statement, representation, or certification of any document filed or required to be maintained under division II of this chapter, or by any permit, rule, standard, or order issued under division II of this chapter; or falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under division II of this chapter, or by any permit, rule, or order issued under division II of this chapter, or knowingly fails to report as required by division II of this chapter or by any permit, rule, standard, or order issued under division II of this chapter, or by any condition included in a permit issued under division II of this chapter.
455B.146A(2)(b)	Knowingly fails to pay any fee owed the state under any provision of division II of this chapter, or any permit, rule, standard, or order issued under division II of this chapter.

455B.191	Person knowingly does any of the following: violates §455B.183 or §455B.186 or any condition or limitation included in any permit issued under §455B.183; introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which the person knew or reasonably should have known could cause personal injury or property damage; or causes a treatment works to violate any water quality standard, effluent standard, pretreatment standard or condition of a permit issued to the treatment works pursuant to §455B.183, unless the person is in compliance with all applicable federal and state requirements or permits.
455B.477	Knowingly fails to notify or makes a false statement, representation, or certification in a record, report, plan or document filed or required to be maintained under this part or falsifies, tampers with or knowingly renders inaccurate a monitoring device or method required to be maintained under this part or by a rule issued under this part.
462A.7	Failure of the operator of any vessel involved in an occurrence to offer assistance to others affected, as set forth in this chapter, if the occurrence results in a serious injury to a person.
462A.14	<i>Operating a motorboat or sailboat while intoxicated – 2nd Offense</i> Operates a motorboat or sailboat in any of the following conditions: while under the influence of an alcoholic beverage or other drug or a combination of such substances; while having an alcohol concentration of .08 or more; or while a controlled substance is present in the person, as measured in the person's blood or urine.
462A.34B	Operator of a vessel willfully fails to bring vessel to a stop, eludes, or attempts to elude an authorized marked law enforcement vessel operated by a uniformed peace officer or by a water patrol officer of the DNR, after being given a visual and audible signal to stop as provided in this section and in doing so exceeds a reasonable speed.
481A.33	Injuring or destroying any lawfully erected dam.
481A.135	Violates any provision of this chapter or chapter 481B, 482, 483A, 484A, or 484B, or trespass while hunting deer, other than farm

	deer, or preserve whitetail, while the person's license or licenses are suspended or revoked, when the person has had 2 or more convictions within the previous 3 years which occurred while the person's license or licenses have been suspended or revoked.
523I.316	Person knowingly and without authorization damages, defaces, destroys, or otherwise disturbs a burial space.
533C.706	Person knowingly engages in an activity for which a license is required under this chapter without being licensed under this chapter.
546A.4	Violation of any provision of this chapter, 3 rd or subsequent offense.
551A.10	<p>(A seller who willfully violates the requirements for disclosure or for the contents of a business opportunity contract pursuant to §551A.3; provides misleading advertising as provided in §551A.9; willfully violates a rule under this chapter; or willfully violates an order of which the person has notice commits a "D" felony).</p> <p>Otherwise, a person who violates a rule adopted or order issued under this chapter is guilty of an aggravated misdemeanor.</p>
600.16	Person other than the adopting parents or the adopted person discloses info in violation of this section, 3 rd or subsequent offense. Information includes: Information regarding an adopted person's existing medical and developmental history and family medical history.
600.23	Submits a claim for payment or reimbursement or benefits pursuant to this subsection or makes statement in connection therewith, which the maker knows or should know is false, misleading, or fraudulent.
657.3	Convicted of erecting, causing, or continuing a public or common nuisance as provided in this chapter, or at common law when the same has not been modified or repealed by statute, where no other punishment therefor is specially provided.
692.7	Person willfully requests, obtains, or seeks to obtain criminal history data under false pretenses, or willfully communicates or seeks to communicate criminal history data to any agency or person except in accordance with this chapter, or a person connected with a research

	program authorized pursuant to this chapter willfully falsifies criminal history data or any related records.
692A.111	Sex offender violates any requirements of §692A.104, 692A.105, <u>692A.108</u> , 692A.112, <u>692A.113</u> , <u>692A.114</u> , or <u>692A.115</u> .
703.3	Person having knowledge that a public offense has been committed and that a certain person committed it, and who is not the spouse of the person, harbors, aids or conceals the person, with intent to prevent the apprehension of the person, if offense committed was a felony.
705.1	Person solicits another person to commit an aggravated misdemeanor.
707.5	(<i>Involuntary manslaughter</i>) Person unintentionally causes death of another by acting in a manner likely to cause death or serious injury.
707.8(7)	Person unintentionally terminates a human pregnancy without the knowledge and voluntary consent of the pregnant person by the commission of an act in a manner likely to cause the termination of or serious injury to a human pregnancy.
707.8(8)	Person intentionally causes serious injury to a human pregnancy by the commission of an act in a manner likely to cause the termination of or serious injury to a human pregnancy.
707.8(9)	Person unintentionally causes serious injury to a human pregnancy by any of the means described in <u>§707.6A(1)</u> .
707C.4	Person intentionally or knowingly transfers or receives, in whole or in part, for the purpose of shipping, receiving, or importing, the product of human reproductive cloning.
708.2(1)	Commits an assault, as defined in §708.1, with the intent to inflict a serious injury upon another.
708.2(3)	Commits an assault, as defined in §708.1, and uses or displays a dangerous weapon in connection with the assault.
708.2A	

708.2A(2)(c)	Commits domestic abuse with the intent to inflict serious injury, or uses or displays a dangerous weapon in connection with the assault.
708.2A(2)(d)	Commits domestic abuse assault by knowingly impeding the normal breathing or circulation of the blood by applying pressure to the throat or neck, or by obstructing the nose or mouth.
708.2A(3)(b)	Commits a second domestic abuse assault, if the first offense was classified as a simple or aggravated misdemeanor, and the second offense would otherwise be classified as a serious misdemeanor, or the first offense was classified as a serious or aggravated misdemeanor, and the second offense would otherwise be classified as a simple or serious misdemeanor.
708.2C	Commits an assault in violation of individual rights, and causes bodily injury or mental illness.
708.3A	Commits an assault against a peace officer, jailer, correctional staff, member or employee of the board of parole, health care provider, employee of DHS, employee of the dept. of revenue, or fire fighter, and knows that the person against whom the assault is committed is a peace officer, jailer, etc., and causes bodily injury or mental illness.
708.7	Commits harassment in the 1 st degree (commits harassment involving a threat to commit a forcible felony), or commits harassment and has previously been convicted of harassment 3 or more times under this section or any similar statute during the preceding 10 years.
708.9	Sets a spring gun or a trap which is intended to be sprung by a person and which can cause such person serious injury.
708.11 708.11(3)(c)	Commits stalking in violation of this section, if the offense is a first offense which is not included in paragraph "b". 708.11(3)(b): A person who commits stalking in violation of this section commits a class "D" felony if any of the following apply: (1) Commits while subject to restrictions contained in a criminal or civil protective order or injunction, or any other court order which prohibits contact between the person and the victim or another person against whom the person has committed a public offense.

	<p>(2) Commits stalking while in possession of a dangerous weapon.</p> <p>(3) Commits stalking by directing a course of conduct at a specific person who is under 18.</p> <p>(4) The offense is a second offense.</p>
708.12	
708.12(3)(d)	Removes or attempts to remove an officer's communication or control device, resulting in serious injury to officer.
708.12(3)(e)	Removes or attempts to remove an officer's communication or control device, and knowingly or intentionally causes bodily injury to officer.
709.11	Commits assault with intent to commit sex abuse, if no injury results.
709.12	Person 18 or older commits any of the following acts with a child, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either person: fondles or touches the inner thigh, groin, buttock, anus, or breast of the child; touches the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the child; solicits or permits a child to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person; or solicits a child to engage in any act prohibited under §709.8(1)(a), (b), or (e).
709.15	
709.15(2)(a)(2)	Counselor or therapist commits sexual exploitation, and any of the following are found: any sexual conduct, with an emotionally dependent patient or client or emotionally dependent former patient or client for the purpose of arousing or satisfying the sexual desires of either person, which includes but is not limited to: kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or a sex act as defined in §702.17.
709.15(3)(a)(2)	School employee commits sexual exploitation, and any of the following are found: sexual conduct with a student for the purpose of arousing or satisfying the sexual desires of either person, which includes but is not limited to: kissing; touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or any sex act as defined in §702.17.

709.16	
709.16(1)	Officer, employee, contractor, vendor, volunteer, or agent of the dept. of corrections, or an officer, employee, or agent of a judicial district dept. of correctional services engages in a sex act with an individual committed to the custody of the dept. of corrections or a judicial district dept. of correctional services.
709.16(2)(a)	Officer, employee, contractor, vendor, volunteer, or agent of juvenile placement facility engages in a sex act with a juvenile placed there.
709.16(3)	Officer, employee, contractor, vendor, volunteer, or agent of a county engages in a sex act with a prisoner incarcerated in a county jail.
710.8	
710.8(2)	Harbors a runaway child with intent of committing a crime involving the child or with intent of enticing or forcing child to commit a crime.
710.8(3)	Harbors a runaway child with the intent of allowing the runaway child to remain away from home against the wishes of the child's parent, guardian, or custodian.
710.10	Without authority and with intent to commit an illegal act on a minor under 16, attempts to entice one reasonably believed to be under 16.
712.4	Commits arson in the 3 rd degree.
712.6	Possesses any incendiary or explosive device or material.
713.6A	Burglary in the 3 rd degree involving a burglary of an unoccupied motor vehicle, motor truck, or a vessel, 1 st offense.
713.6B	Attempted burglary in the 3 rd degree, except as provided in (2).
713.7	Possesses any key, tool, instrument, device, or explosive, with the intent to use it in the perpetration of a burglary.

714.2	Theft of property exceeding \$500 but not exceeding \$1,000 in value, or the theft of any property not exceeding \$500 in value, 3 rd offense.
714.3A	Aggravated theft: commits an assault as defined in §708.1(2)(a) that is punishable as a simple misdemeanor under §708.2(6), after the person has removed or attempted to remove property not exceeding \$200 in value which has not been purchased from a store or mercantile establishment, or has concealed such property of the store or mercantile establishment, either on the premises or outside it.
714.7	Takes possession or control of any railroad vehicle, self-propelled vehicle, aircraft, or motor boat, without the consent of the owner, but without the intent to permanently deprive the owner.
714.11	Fraudulent practice in the 3 rd degree: the amount of money or value of property or service involved exceeds \$500 but does not exceed \$1,000; fraudulent practice as set forth in §714.8(2), (8), or (9); or fraudulent practice where it is not possible to determine an amount of money or value of property and service involved.
714.26	Commits intellectual property counterfeiting in the 3 rd degree.
714B.6	Intentionally violates this chapter - act or acts occur or continue after the attorney general or county attorney has notified the person by certified mail that the person is in violation of this chapter.
714B.5	A sponsor shall provide, upon request of the attorney general made within 1 year after the termination date of the promotion, a record of the names and addresses of winners of prizes of \$100 or more.
715.7	Commits an unlawful act under this chapter.
715A.2	Commits forgery, if the writing is or purports to be a will, deed, contract, release, commercial instrument, or any other writing or other document evidencing, creating, transferring, altering, terminating, or otherwise affecting legal relations.

715A.4	Destroys, removes, or conceals a will, deed, mortgage, security instrument, or other writing for which the law provides public recording, if done with the intent to deceive or injure anyone.
715A.5	Knowing that the person has no privilege to do so, falsifies, destroys, removes, or conceals a writing or record, with the intent to deceive or injure anyone or to conceal any wrongdoing.
715A.6	Uses a credit card for the purpose of obtaining property or services with knowledge of any of the following: the credit card is stolen or forged; the credit card has been revoked or canceled; or for any other reason the use of the credit card is unauthorized, and the value of the property or services obtained or sought does not exceed \$1,000.
715A.8	Fraudulently uses or attempts to fraudulently use identification info of another, with intent to obtain credit, property, services, or other benefit, if the value of such does not exceed \$1,000.
715B.3	Makes, alters, or issues a certificate of authenticity or similar written instrument for a work of fine art, or attests (multiple times) to material facts about the work which are false, or makes representations regarding a work of fine art which are false, with intent to defraud, deceive, or injure another.
716.5	Commits criminal mischief in the 3 rd degree: the cost of replacing, repairing, or restoring the property that is damaged or destroyed exceeds \$500, but not \$1,000; the property is a deed, will, commercial paper or any civil or criminal process or other instrument having legal effect; the act consists of rendering substantially less effective any light, signal, barricade, or guard which has been placed for the purpose of enclosing any unsafe place or of alerting persons to an unsafe or dangerous condition; or intentionally disinters human remains from a burial site without lawful authority.
716.6B	Knowingly and without authorization accesses a computer, system, or computer network, and computer data is accessed that contains a confidential record; or operational/support data of a public utility, rural water district, municipal utility, public airport or trade secret.
716.8	Commits trespass with the intent to commit a hate crime which results in injury to any person or damage in an amount over \$200.

716.10	Commits railroad vandalism in the 5 th degree: intentionally commits railroad vandalism which results in property damage which costs more than \$500 but does not exceed \$1,000 to replace or repair.
716A.2	Uses a computer or network with the intent to falsify or forge electronic mail transmission info or other routing info in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the network of an electronic mail service provider or its subscribers; or knowingly sells, gives, distributes, or possesses with the intent to sell, give, or distribute computer software that does any of the following: is primarily designed for the purpose of facilitating or enabling the falsification of electronic mail transmission info or other routing info; has only limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission info or other routing info; or is marketed by that person acting alone or with another for use in facilitating or enabling the falsification of electronic mail transmission info. or other routing info.
716A.4	Willfully uses encryption to further a violation of this chapter.
716B.2	Knowingly or with reason to know, disposes of, arranges for, or allows the disposal of hazardous waste at any location other than one authorized by the dept. or the EPA, or in violation of any material term or condition of a hazardous waste facility permit.
716B.3	Knowingly or with reason to know, transports or causes to be transported hazardous waste to a location other than a facility that is authorized to receive, treat, store, or dispose of the waste under rules adopted pursuant to the Resource Conservation and Recovery Act.
716B.4	Commits unlawful treatment or storage of hazardous waste: knowingly or with reason to know, treats or stores hazardous waste without a permit issued pursuant to <u>42 U.S.C. §6925</u> or <u>§6926</u> .
717.1A	Commits livestock abuse: intentionally injures or destroys livestock owned by another, in any manner, including, but not limited to, intentionally administering drugs or poisons to the livestock, or disabling the livestock by using a firearm or trap.

	<p><i>Exceptions:</i> acting with the consent of the owner, unless the action constitutes livestock neglect as provided in <u>§717.2</u>; acting to carry out a court ordered; licensed veterinarian practicing veterinary medicine; reasonably acting to protect the person's property from damage caused by estray livestock; acting to protect a person from injury or death caused by estray livestock.</p>
717A.2	
717A.2(1)(a)	Willfully destroys property of an animal facility, or kills or injures an animal maintained at animal facility, including by an act of violence or transmission of disease if the injury to or death of an animal or damage to property exceeds \$100 but does not exceed \$1,000.
717A.2(1)(c)	Enters onto or into an animal facility, or remains on or in an animal facility, if the person has notice that the facility is not open to the public, if the person has an intent to do one of the following: disrupt operations conducted at the animal facility, if the operations directly relate to agricultural production, animal maintenance, educational or scientific purposes, or veterinary care; or kill or injure an animal maintained at the animal facility.
717A.3	
717A.3(1)(b)	Exercises control over a crop maintained on crop operation property with intent to deprive the owner of the property. (Applies to a crop other than a research crop or crop operation property where a research crop is not maintained).
717A.3(1)(c)	Enters onto or remains on crop operation property, has notice that the property is not open to the public, with intent to do one of the following: disrupt agricultural production conducted on the crop operation property if the agricultural production directly relates to the maintenance of crops, or destroy or damage any portion of a crop maintained on the crop operation property. (Applies to a research crop or crop operation property where a research crop is maintained).
717A.3A	Commits agricultural production facility fraud, 2 nd offense. (Willfully obtains access to an agricultural production facility by false pretenses; or makes a false statement or representation as part of an application or agreement to be employed at an agricultural production facility, if the person knows the statement to be false, and makes the statement with an intent to commit an act not authorized by the owner

	of the facility, knowing that the act is not authorized).
717B.2	Commits animal abuse - intentionally injures, maims, disfigures, or destroys an animal owned by another, in any manner, including intentionally poisoning the animal.
717B.3A	Commits animal torture - regardless of whether the person owns the animal, inflicts upon the animal severe physical pain with a depraved or sadistic intent to cause prolonged suffering or death.
717C.1	Commits bestiality - performs a sex act with an animal.
717D.4	Violates <u>§717D.2(10)</u> by acting as a spectator of a contest.
717F.13	Intentionally causes a dangerous wild animal to escape in violation of this chapter.
718.2	Falsely claims to be or acts as an elected or appointed officer, magistrate, peace officer, or person authorized to act on behalf of the state or any subdivision thereof, having no authority to do so.
719.1	
719.1(1)	Commits interference with official acts - knowingly resists or obstructs anyone known by the person to be an officer, emergency medical care provider or fire fighter, in the performance of any act which is within the scope of duty or authority of that person, or knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or court order.
719.1(1)(c)	Interference with official acts, and it results in serious injury.
719.1(1)(d)	Interference with official acts, and inflicts bodily injury other than serious injury.
719.1(2)(b)	Person under the custody, control, or supervision of the dept. of corrections commits interference with official acts - knowingly resists, obstructs, or interferes with a correctional officer, agent, employee, or contractor, in the performance of the person's official

719.1(2)(c)	<p>duties, and while doing so, commits an assault.</p> <p>Person under the custody, control, or supervision of the dept. of corrections commits interference with official acts - knowingly resists, obstructs, or interferes with a correctional officer, agent, employee, or contractor in the performance of the person's official duties, and the interference results in bodily injury to another.</p>
719.3	<p>With intent to prevent the apprehension or obstruct the prosecution or defense of any person, knowingly: destroys, alters, conceals or disguises physical evidence which would be admissible in the trial of another for a public offense, or makes available false evidence or furnishes false info with the intent that it be used in the trial; or induces a witness having knowledge material to the subject at issue to leave the state or hide, or to fail to appear when subpoenaed.</p>
719.7	<p>Fails to report a known or attempted violation of this section to an official or officer at a secure facility for the detention or custody of juveniles, detention facility, jail, correctional institution, or institution under the management of the dept. of corrections.</p>
719.7A	<p>Fails to report a known or attempted violation of this section to an official or officer at a facility.</p>
720.1	<p>Person having knowledge of the commission of an indictable felony receives consideration for a promise to conceal such crime, or not to prosecute or aid or give evidence to the prosecution of such crime.</p>
720.4	<p>Offers bribe to person the offeror believes has been or may be a witness or juror, makes threats toward, or forcibly or fraudulently detains, with intent to influence with respect to testimony, or to prevent from testifying or serving, or harasses in retaliation.</p>
720.7	<p>Harasses a judicial officer, court employee, or a family member of such, with the intent to interfere with or improperly influence, or in retaliation for, the official acts of a judicial officer or court employee.</p>
722.3	<p>A person who offers, solicits, gives or receives anything of value or any benefit or promise of anything of value or any benefit, with the intent that the recipient thereof do any of the following:</p>

722.3(1)	If the person is a participant or prospective participant in any professional or amateur sport, match, or contest as a contestant or player, lose or in some way affect the outcome.
722.3(2)	If the person is an umpire, referee, judge, or other official in any professional or amateur sport, match, or contest, or an owner, manager, coach, trainer or relative of any participant, use the person's position or influence to affect the outcome or the score.
722.11	Gives, offers, promises, or attempts to give money or thing of value to a student athlete or immediate family member of a student athlete (or aids and abets such) to induce, encourage, or reward the student's application, enrollment, or attendance at an institution of higher education in order to have the student participate in intercollegiate sporting events, contests, or programs at that institution; or to induce, encourage, or reward the student's participation in an intercollegiate sporting event, contest, exhibition, or program.
723.1	Willingly joins in or remains a part of a riot, knowing or having reasonable grounds to believe that it is such.
724.4	
724.4(1)	Goes armed with concealed dangerous weapon, or within the limits of a city, goes armed with pistol, revolver, or loaded firearm, whether it is concealed, or knowingly transports pistol or revolver in vehicle.
724.4(2)	Goes armed with concealed knife, and uses it in commission of crime.
724.4(3)(a)	Goes armed with concealed knife, does not use the knife in the commission of crime, and the knife has a blade exceeding 8 inches in length.
724.16	Acquires ownership of a pistol or revolver without a valid annual permit, or transfers ownership of a pistol or revolver to a person who does not have a valid annual permit to acquire pistols or revolvers.
724.29	Sells or offers for sale a manual or power-driven trigger activating device constructed and designed so that when attached to a firearm, increases the rate of fire.
724.30	Intentionally discharges a firearm in a reckless manner and property

	damage occurs without a serious injury or bodily injury occurring.
725.1	Person sells or offers for sale the person's services as a partner in a sex act, or purchases or offers to purchase such services.
725.7	
725.7(2)(a)(2)	Commits illegal gaming in the 4 th degree: the sum of money or value of property involved does not exceed \$100, 2 nd offense.
725.7(2)(b)(1)	Commits illegal gaming in the 3 rd degree: the sum of money or value of property involved exceeds \$100, but does not exceed \$500.
725.17	Officer or employee of the state, a county, a city, or judicial district asks for, receives, or collects any money or other consideration for and with the understanding that such employee will aid, exempt, or otherwise protect another from detection, arrest or conviction of any violation of this chapter or chapter 99B.
725.18	Person knowingly offers, gives or sells the person's services for use in collecting or enforcing gambling debt.
726.6	Person commits child endangerment that is not subject to penalty under subsection 4, 5, or 6.
726.7	Person commits wanton neglect not resulting in serious injury to a resident of a health care facility.
728.3	Person knowingly sells, gives, delivers, or provides child with a pass or admits a child to premises where obscene material is exhibited.
728.4	Person knowingly rents, sells, or offers for rental or sale material depicting patently offensive representations of oral, anal, or vaginal intercourse, actual or simulated, involving humans, or depicting patently offensive representations of masturbation, excretory functions, or bestiality, or lewd exhibition of the genitals, which the average adult taking the material as a whole in applying statewide contemporary community standards would find appeals to the prurient interest; and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value.

728.5	
728.5(1)(a)-(d)	An owner, manager, or person who exercises direct control over a place of business required to obtain a sales tax permit commits a <u>serious misdemeanor</u> if such person: permits the actual or simulated public performance of any sex act; permits the exposure of genitals, buttocks or female breast of any waiter or waitress; permits exposure of genitals or female breast nipple of any entertainer; or permits any person to remain who exposes genitals, pubic hair, or anus.
728.5(2)	If such person permits a <u>minor</u> to participate in any act included in 728.5(1)(a)-(d), the person commits an aggravated misdemeanor .
728.12	Knowingly purchases or possesses a visual depiction of a minor engaging in a prohibited sexual act or the simulation of a prohibited sexual act, first offense.
728.15	Knowingly disseminates obscene material by the use of telephones or telephone facilities to a minor.

Aggravated misdemeanors not included in the DNA database

Any offense designated an aggravated misdemeanor in Iowa Code Chapter 321 Including:

Section 321.189A(4)(c) Display or use by an officer of a license issued pursuant to this section in any manner which is not a public offense but which is not authorized under this section or who knowingly fails or refuses to surrender the license upon demand by the department

Section 321.71A Installation, distribution, or sale of non-operable air bags

Section 321.261(3) Failing to stop at an accident resulting in serious injury

Section 321.279(2) willfully eluding or attempting to elude a marked official law enforcement vehicle that is driven by a uniformed peace officer after being given a visual and audible signal as provided in this section and in doing so exceeds the speed limit by twenty-five miles per hour or more.

Section 321.560 Operating a motor vehicle while precluded as an habitual offender (except for a habitual offender who has been granted a temporary restricted license pursuant to section 321.215, subsection 2)

Any offense designated an aggravated misdemeanor in Iowa Code Chapter 716B including:

Section 716B.2 Unlawful disposal of hazardous waste (first offense)

Section 716B.3 Unlawful transportation of hazardous waste (first offense)

Section 716B.4 Unlawful storage of hazardous waste (first offense)

Any offense designated a misdemeanor under Iowa Code Chapter 717A including:

Section 717A.2(2) exercising control, entering or remaining, disrupting an animal control facility or killing or injuring an animal at such facility where the damage exceeds \$100 but does not exceed \$1000

Section 717A.3(1)(a) Willfully destroys or damages a crop on a crop facility operation and damages exceeds \$500 but does not exceed \$1000

Section 717A.3(1)(c) enter onto or remain on a crop facility with the intent to disrupt, destroy, or damage a crop maintained on a crop operation facility

Any offense designated as an aggravated misdemeanor in Iowa Code section 725.7 including:

Iowa Code section 725.7(2)(a) Illegal gaming in the fourth degree a. Participate in a game for any sum of money or other property of any value; b. Make any bet; c. For a fee, directly or indirectly, give or accept anything of value to be wagered or to be transmitted or delivered for a wager to be placed within or without the state of Iowa; d. For a fee, deliver anything of value which has been received outside the enclosure of a racetrack licensed under chapter 99D to be placed as wagers in the pari-mutuel pool or other authorized systems of wagering; e. Engage in bookmaking where the value of the property involved does not exceed \$100 (second offense).

Iowa Code section 725.7(2)(b) Illegal gaming in the third degree (same as above but a second offense where the amount of value involved exceeds \$100 but does not exceed \$500)

Iowa Code section 321J.2(2)(b) A second offense violation of section 321J.2, unless the person has more than one previous revocation as determined pursuant to section 321J.2, subsection 8, within the twelve-year period immediately preceding the commission of the offense in question.